

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN

SCOTT EWERS
Plaintiff,

-vs.-

DEMAND FOR JURY TRIAL

UNITED RECOVERY SYSTEMS, LP,
Defendant.

COMPLAINT & JURY DEMAND

Plaintiff, Scott Ewers, through counsel, Nitzkin and Associates, by Gary Nitzkin states the following claims for relief:

JURISDICTION

1. This court has jurisdiction under the FDCPA, 15 U.S.C. §1692k(d) and 28 U.S.C.
2. §§1331,1337.
3. This court may exercise supplemental jurisdiction over the related state law claims arising out of the same nucleus of operative facts which give rise to the Federal law claims.

PARTIES

4. The Defendant to this lawsuit is United Recovery Systems, LP, ("URS") which is a foreign limited partnership doing business in Houston, Texas.

VENUE

5. The transactions and occurrences which give rise to this action occurred in Oakland County, MI.
6. Venue is proper in the Eastern District of Michigan.

GENERAL ALLEGATIONS

7. Defendant is attempting to collect on a Chase Bank debt allegedly owed by the Plaintiff in the amount of \$4,997.04.
8. On November 5, 2010, Julia Lawson, from URS, called Plaintiff's sister's at her place of employment, Ewers Septic Tank Service.
9. During that conversation, the Defendant asked if the Plaintiff worked there.
10. The Plaintiff's sister asked who the caller was. In response, the caller informed the Plaintiff's sister of that it was calling about a debt that was owed by the Plaintiff.
11. On or about November 6, 2010, Defendant sent Plaintiff a demand letter.
12. Plaintiff sent a letter to the Defendant demanding validation of the debt.
13. The Defendant received the Plaintiff's letter on December 2, 2010.
14. On February 7, 2011 Defendant called Plaintiff without providing Plaintiff with validation of the debt.
15. The Plaintiff has suffered damages as a result of these violations of the FDCPA.

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

16. Plaintiff reincorporates the preceding allegations by reference.

17. At all relevant times Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
18. Plaintiff is a "consumer" for purposes of the FDCPA and the account at issue in this case is a consumer debt.
19. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
20. Defendant's foregoing acts in attempting to collect this alleged debt violated 15 U.S.C. §1692 et. seq;
21. The Plaintiff has suffered damages as a result of these violations of the FDCPA.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury in this action.

DEMAND FOR JUDGMENT FOR RELIEF

Accordingly, Plaintiff requests that the Court grant him the following relief against the defendant:

- a. Actual damages.
- b. Statutory damages.
- c. Treble damages.
- d. Statutory costs and attorney fees.

Respectfully submitted.

February 10, 2011

/s/ Gary Nitzkin
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